

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.20271 of 1996

Date: 13-06-2007

Between:

Yalamarathi Satyavathi and others

Petitioners

And

The Government of Andhra Pradesh,
rep by it's Secretary, Revenue (Assn.I)
Department, Secretariat, Hyderabad and others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.20271 of 1996

ORDER:

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1. This writ petition is instituted questioning the orders passed by the Mandal Revenue Officer, Mandapeta, East Godavari District, on 30-04-1993 which was confirmed in appeal by the District Collector through his orders dated 29-10-1994 which was again confirmed by the State Government through their orders in G.O.Ms.No.689 Revenue (ASN.I) Department dated 16-08-1996.

2. The Mandal Revenue Officer had initiated action against the petitioners in terms of Section 4 of the A.P. Assigned Lands (Prohibition of Transfers) Act 1977 (in short 'the Act') on the basis that the original assignees being eligible have been assigned the lands and those lands are not liable to be alienated or transferred in favour of third parties. In that view of the matter, the Mandal Revenue Officer passed orders to resume the lands so assigned for their eventual restoration to the original assignees. Only question that is sought to be raised by the writ petitioners is that they are bonafide purchasers for valuable consideration, therefore, they shall not be assumed or presumed to have got the transfer of the assigned lands in their favour for wrongful reasons. Unfortunately for the petitioners, the prohibition contained in terms of Section 5 of the Act does not make an exception in cases of bonafide purchasers. The very exercise of transfer of title over the assigned lands is

prohibited. Therefore, it is not open to plead that such transfer had taken place for bonafide reasons. I therefore, do not find any merit in the contention canvassed on behalf of the petitioners.

3. This apart, the learned Government Pleader has stated that on 27-08-1996 possession of the lands was resumed by the State duly evicting the transferees and the possession was also restored in favour of the individual original assignees.

4. Therefore, the writ petition is dismissed, however reserving the right of the petitioners to retrieve the consideration paid for by them for such transfers. No order as to costs.

NOOTY RAMAMOHANA RAO,J

13-06-2007

Stp